

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re DEEP VEIN THROMBOSIS
LITIGATION

MDL Docket No 04-1606 VRW

ORDER

This Document Relates To:

05-2608

Plaintiffs' amended complaint asserts two state-law claims against American Airlines, Inc ("American"), which premise liability on American's status as a common carrier and general negligence principles. Doc #7 (05-2608) at 9-10. American requests dismissal of both claims and entry of judgment in its favor based on the federal preemption rationale announced in the court's March 11, 2005, order in MDL 1606. Doc #11 (05-2608). See also Doc #151 (04-1606). Plaintiffs have not filed an opposition to American's motion for administrative relief; the time for opposition has expired. See Civ L R 7-11(b).

It is clear that plaintiffs' claims against American are preempted for the reasons stated in the court's March 11, 2005, order in MDL 1606. Further, pursuant to FRCP 54(b), the court determines that there is no just reason to delay entry of judgment.

American's motion for administrative relief is accordingly GRANTED.
All claims asserted against American are DISMISSED WITH PREJUDICE.
The clerk is DIRECTED to enter judgment in favor of American.

SO ORDERED.



VAUGHN R WALKER

United States District Chief Judge